UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
DESTA, ELIAS

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *5/12/2008*.
2a)☐ This action is **FINAL**.　　　　2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15-34* is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *15-34* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *12 May 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☒ All　　b)☐ Some *　c)☐ None of:
　　　　1.☒ Certified copies of the priority documents have been received.
　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.
　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

Detailed Action

Response to Amendment

1.   Applicant's arguments, see amendment, filed on July 13, 2007 and May 12,

2008, with respect to the rejection(s) of claims 15-34 under 35 U.S.C. 112, second

paragraph and 35 U.S.C. 101 have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. Further, the amendment to the drawing,

Abstract and the specification is accepted by the Examiner. However, upon further

consideration, a new ground(s) of rejection is made in view of _Bornemann et al_. (U.S.

Patent 6,539,313, hereon _Bornemann_) and _Lynch et al_. (Advanced Technologies, 'The

Development of a Wireless Modular Health Monitoring System for Civil Engineering',

hereon _Lynch_).

Claim rejection – 35 U.S.C. 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 15-18, 21-24, 26-28 and 30-34 are rejected under 35 U.S.C. 102(e) as

anticipated by _Bornemann_ (U.S. Patent 6,539,313).

In reference to claims 15, 22 and 30: _Bornemann_ teaches a method for monitoring the installation of a measurement device (see _Bornemann_, Abstract and column 1, lines 9-12). The method comprising: calculating from a time series the measurement signal a characteristic variable for the measurement device (see _Bornemann_, column 3, lines 39-49); comparing the characteristic variable with previously recorded reference values for the measurement device (see _Bornemann_, column 3, line 63 to column 4, line 2); and using the comparison as the basis to automatically generate a message as to whether the measurement device has been installed according to the manufacturers instructions so as to eliminate disturbing effects (see _Bornemann_, column 4, lines 4-11). As for the measurement device (claim 22) and the computer program product (claim 30), _Bornemann_ includes the system have a machine and a program algorithm to carry out the steps noted above (see _Bornemann_, Fig. 1, steps 101 through 300).

With regard to claim 16: _Bornemann_ further teaches that the measurement device is more than one measurement device and the measurement values related to .each of the more than one measurement device are recorded in advance and associated on a device related basis to a respective one of the more than one measurement devices (see _Bornemann_, column 3, lines 54-60).

With regard to claim 17: _Bornemann_ further comprising automatically producing from the comparison an installation standard as the message for at least one of the more than one measurement devices and indicating the message on the device (see _Bornemann_, column 4, lines 7-12).

With regard to claim 18: *Bornemann* further teaches that automatically producing

from the comparison an installation standard as the message for at least one of the

more than one measurement devices and transmitting the message to a higher level

system where the message is indicated (see *Bornemann*, column 4, lines 13-22).

With regard to claim 21: *Bornemann* further teaches that message is generated

automatically as a full text message because the error message signifies a message of

correct or incorrect installation of the measurement device components (see

Bornemann, Figs. 3 & 4, step 308 and 318 respectively).

With regard to claim 23: *Bornemann* further teaches that the measurement

device comprising a comparator for comparing the characteristic variable with

previously recorded reference values for the measurement device stored in a data

memory (see *Bornemann*, column 3, line 63 to column 4, line 3).

With regard to claim 24: *Bornemann* further teaches that the measurement

device comprising a display on which the message can be indicated (see *Bornemann*,

Figs. 5 and 6).

With regard to claim 26: *Bornemann* further teaches that the measurement

device for calculating a characteristic variable and the device for using the comparison

are in a single appliance because the device is numerically controlled machine tool (see

Bornemann, Abstract).

With regard to claim 27: *Bornemann* further teaches that the measurement

device is single appliance which includes a comparator for comparing the characteristic

variable with previously recorded reference values for the measurement device stored

in a data memory (see *Bornemann*, Fig. 2, Step 306, comparison of tool data).

With regard to claim 28: *Bornemann* further teaches that the measurement

device is a single appliance which includes a display on which the message can be

indicated (see *Bornemann*, Figs. 5 and 6).

With regard to claim 31: *Bornemann* further teaches that the computer program

product wherein measurement device is more than one measurement device (see

Bornemann, column 3, lines 54 to 62) and the measurement values related to each of

the measurement device are recorded in advance (see *Bornemann*, column 3, line 64 to

column 4, line 3) and associated on a device related basis to a respective one of the

more than one measurement devices and the instructions for causing a computer to

execute a method further comprise automatically producing from the comparison an

installation standard as the message for at least one of the more than one

measurement devices and indicating the message on at least one device (see

Bornemann, column 4, lines 20-23).

With regard to claim 32: *Bornemann* further teaches that the computer program

product of the measurement device includes more than one measurement device (see

Bornemann, column 3, lines 54-62) and the measurement values related to each of the

more than one measurement device are recorded in advance (see *Bornemann*, column

3, line 64 to column 4, line 3) and associated on a device related basis to a respective

one of the more than one measurement devices and the instructions for causing a

computer to execute a method further comprise automatically producing from the

comparison an installation standard as the message for at least one of the more than

one measurement devices and transmitting the message to a higher level system where

the message is indicated (see *Bornemann*, column 4, lines 13-22).

With regard to claims 33 and 34: *Bornemann* further teaches that computer

program product includes instructions for causing a computer to execute a method

further comprise automatically generating the message as a full text message (see

Bornemann, Figs. 3 & 4, step 308 and 318 respectively)

Claim rejection – 35 U.S.C. 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 19, 20, 25 and 29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over *Bornemann* (U.S. Patent 6,539,313) in view of *Lynch* (Advanced

Technologies, 'The Development of a Wireless Modular Health Monitoring System for

Civil Engineering').

In reference to 19 and 20: *Bornemann* teaches a monitoring procedure and

installation for machine tools (measurement devices) with motor driven work spindle

and a separate protection device (see *Bornemann*, column 1, lines 9 to 12). However,

Bornemann does not teach such measurement devices are connected to a higher level

system by a bus.

Lynch teaches a wireless structural monitoring system having sensors with data

acquisition system with a bus connecting to a higher level database management and

process system (see *Lynch*, Fig. 1 and page 2, last paragraph).

Therefore, it would have been obvious at the time the invention was made to a

person having ordinary skill in the art to modify *Bornemann* method for monitoring the

installation of measurement device and incorporating a method of connecting

measurement devices to a higher level through a system bus in order to establish a

communication system that does not depend on one particular hardware or software

configuration in order to provide a modular approach, doing so would allow the end user

to have a lower total system cost, allows easier system upgrades and migration and

enhances performance with lower latency and CPU overhead.

In reference to claims 25 and 29: *Bornemann* teaches a monitoring procedure

and installation for machine tools (measurement devices) with motor driven work

spindle and a separate protection device (see *Bornemann*, column 1, lines 9 to 12)

having a display (see *Bornemann*, Figs. 5 and 6) but does not teach having a display

arranged remotely from the measurement device.

Lynch teaches a wireless embedded structural monitoring system where the

wireless sensors and microprocessors are in communication with the remote processing

PC (see *Lynch*, Fig. 1). The PC includes a display to monitor or observe sensor data

from a remote site.

Therefore, it would have been obvious at the time the invention was made to a

person having ordinary skill in the art to modify *Bornemann* monitoring procedure and

installation for measurement devices and incorporate a remote wireless processing

system in order to collect relevant data from individual sensor and measurement

devices and processing and analyzing the data at a remote site would allow a modular

sensing and measurement system that provides an efficient and cost effective solution

(see *Lynch*, page 4, 'conclusion'). .

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

      a.   *Girot et al.* (U.S. Patent 4,478,713) teaches an automatic installation for

      liquid chromatography.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ELIAS DESTA whose telephone number is (571)272-

2214. The examiner can normally be reached on M-Fri (10:30-7:00).

      If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eliseo Ramos-Feliciano can be reached on (571)-272-7925. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

8.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                        Elias Desta
                                        Examiner
                                        Art Unit 2857

- E.D.

/Edward Raymond/
Primary Examiner, Art Unit 2857

- August 13, 2008